

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**1. PATRICIA CLIFTON,**

**Plaintiff,**

**v.**

**1. MORTON COMPREHENSIVE  
HEALTH SERVICES, INC.,**

**Defendant.**

**Case No. 16-CV-00476-GKF-TLW  
(Tulsa County Case No. CJ-2016-2279)**

**NOTICE OF REMOVAL**

Defendant Morton Comprehensive Health Services, Inc. (“Defendant”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1331 and 1441, hereby removes this action from the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

1. Defendant is the sole defendant in the above-styled action, which was filed by Plaintiff Patricia Clifton (“Plaintiff”) in the District Court of Tulsa County, State of Oklahoma, on June 20, 2016. *See* Petition, attached as Exhibit A.

2. Plaintiff served Defendant with a Summons and copy of the Petition on June 29, 2016. *See* Summons, attached as Exhibit B.

3. This is a civil action over which the Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the Constitution, laws, or treaties of the United States. Specifically, Plaintiff asserts claims arising under Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. § 2000e *et seq.*, 42 U.S.C. § 1981, the Age Discrimination in Employment Act of 1967 (“ADEA”), as amended, 29 U.S.C. § 621 *et*

*seq.*, and the Family and Medical Leave Act of 1993 (“FMLA”), as amended, 29 U.S.C. § 2601 *et seq.* See Exhibit A ¶¶ 1, 19-30.

4. Plaintiff also asserts a claim under the Oklahoma Anti-Discrimination Act, as amended, 25 O.S. § 1301 *et seq.* See Exhibit A ¶¶ 19-20. Because this claim arises from the same transaction or occurrence as Plaintiff’s claim under Title VII, and because this claim and Plaintiff’s claim under Title VII share a common nucleus of operative fact, this Court has supplemental jurisdiction over this claim pursuant to 28 U.S.C. § 1367(a) because it forms part of the same case or controversy as Plaintiff’s claim under Title VII.

5. Removal of this action to the United States District Court for the Northern District of Oklahoma is therefore appropriate under 28 U.S.C. § 1441(a) because this is a civil action brought in a State court of which the district courts of the United States have original jurisdiction, and the action is being removed to the district court of the United States for the district and division embracing the place where such action is pending. See Petition, Exhibit A at ¶¶ 22-25.

6. This Notice of Removal is being filed within thirty (30) days after Defendant was initially served with the Summons and a copy of the Petition. The Notice of Removal is therefore timely under 28 U.S.C. § 1446(b)(1).

7. Because this action was filed in the District Court of Tulsa County, State of Oklahoma, for purposes of removal only, Defendant concedes that venue is proper pursuant to 28 U.S.C. § 1391 and/or 42 USC § 2000e(5)(3).

8. No further process, pleadings or motions have been served in this matter. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81.2, true and correct copies of all process, pleadings, and orders filed or served in the District Court of Tulsa County, State of Oklahoma,

have been attached to this Notice of Removal. *See* Exhibit A; Exhibit B. A copy of the state court docket is attached as Exhibit C.

9. Written notice of the filing of this Notice of Removal shall be served on Plaintiff and shall be filed with the Clerk of Court of District Court of Tulsa County, State of Oklahoma.

10. Pursuant to Local Rule 81.2, Defendant's Status Report on Removed Action is being filed contemporaneously with this Notice of Removal.

11. This Notice of Removal does not waive any objections to defects in process or service of process, jurisdiction, venue, statute of limitations, exhaustion of administrative remedies, or any other defense.

WHEREFORE, Defendant hereby removes this civil action from the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

*s/ Steven A. Broussard*

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**ATTORNEYS FOR DEFENDANT  
MORTON COMPREHENSIVE HEALTH  
SERVICES, INC.**

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on the 19th day of July, 2016, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants:

Daniel E. Smolen  
SMOLEN, SMOLEN & ROYTMAN, PLLC  
701 S. Cincinnati Ave.  
Tulsa, OK 74119

*s/ Steven A. Broussard*

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Steven A. Broussard

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